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AUTHOR Marbley, Aretha F.; Ferguson, Ralph; Henderson, Ed
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ABSTRACT

The groundwork for rethinking the notion of education in rehabilitation has been laid by the correctional system's failure to create a rehabilitation mentality in prison inmates and to inform inmates of their right to file for expungement. State legislatures may need to amend their expunction statute to serve those former convicted felons who are successfully building new lives. If they serve their time, abide by the terms of their probations, and get reinstated to full citizenship, low- or no-risk probationers can become assets to their communities. As part of the educational program, prisoners should learn that, after successfully serving time and completing probation, expungement is available for a fresh start. Full reinstatement does not send the message that crime pays. Rather, the test for expungement remains strenuous and sends the message "Why put your rights and privileges at risk by participating in crimes?" The expungement process contributes positively to society. It contributes to the economic gains of society through employment and lower recidivism rates, thereby reducing the numbers of prisoners for society to support. Family and community structures of former inmates whose records have been expunged are strengthened. Rethinking the notion of education in rehabilitation by educating society and inmates on the expungement process will successfully reform the mentality of the correctional system to its original purpose of rehabilitation. (YLB)

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Correctional Systems:
Rethinking the Notion of Education in Rehabilitation

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Aretha F. Marbley, PhD
Assistant Professor
Counselor Education
Texas Tech University

Ralph Ferguson,
Assistant Academic Dean,
Graduate School
Texas Tech University

Ed Henderson
Assistant Fire Marshal
City of Lubbock

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Society's need to restore and repair families within minority communities; to decrease recidivism rates as well as the number of prisoners sentenced to the correctional system; and to buffer the skyrocketing costs of maintaining prisoners financed by tax dollars have brought to the forefront the notion to rethink the status quo of the American penal system.

In order to reduce crime and to encourage criminals to give up crime as a lifestyle, the notion of rehabilitation requires rethinking. Two things set the groundwork for rethinking the notion of education in rehabilitation: 1) the correctional system has not been successful in its mission of reforming or creating a rehabilitation mentality in prison inmates and 2) the correctional system fails to inform inmates that they have the right to file for expungement. 3) state legislatures may need to amend their expunction statue to serve those former convicted felons who are successfully building new lives. As it stands now, most criminals serve their adjudicated time in prison and return to mainstream society on probation, without the necessary survival skills to become positive contributors to society.

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The high, disproportionate percentage of African-American men in state prisons is definitely a phenomenon influencing the scarcity of black men thereby adding additional trauma to African-American families, as well as to their interpersonal relationships. According to King (1993), "When a man is sentenced to prison, his entire family suffers, especially intimate companions, spouses, children, and extended family members. Ironically, African-American men are populating prisons at a faster rate than they are enrolling in college." (p. 148) According to King (1993), "On any given day in 1990, approximately 525,000 African-American men were confined to jails or state or federal prisons" (p. 146).

King cites the following statistics regarding African-American inmates: "By 1989, a year in which African Americans made up 12% of the US. population and African American men less than 6% of the population, African American men confined to state prisons had grown to 48% of the prison population. On the other hand, European American men comprise approximately 40% of the U. S. population but represent only 46% of the state prison population. In the northeastern and southern region of the United States, African American men make up 50% and 58%, respectively, of state-prisons inmates" (U. S. Department of Justice, 1989, 1991, p. 146). Thus, "the United States has the highest incarceration rate of Africans in the world" (Brazaitis, 1991; Hawkins & Jones, 1989, King, 1993). The impact of incarceration on African American families: Implications for practice. Families in Society: The Journal of Contemporary Human Services, 74(3), 145-153.

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The recidivism rate is extraordinarily high for the prison system, an agency whose main purpose is to deter crime through incarceration. The

outcome of the majority of probationary criminals is reasonably predicable: they will return to prison three to five years from their release.

As the construction of prisons becomes a cottage industry or a major drain on tax revenues, this construction indicates that prisons are not the single answer to the reduction of crime. With recidivism and the inclusion of more people from every economic strata in criminal activities, the greater issue of how to slow the growth of criminal behavior is of vital interest to our society.

To maximize the benefit society from the use of tax monies, a greater effort must be made to mainstream probationers. Simply put, probation is to mainstream prisoners. Yet, prisoners, who have served their time and completed their probation often learn that society remains unforgiving. Customarily, when convicted felons seek the right to vote or competitive employment, they are not only denied prestigious, well-paid jobs, but forfeit their right to vote. This, in itself, may make it wise to rethink the advantages of a management approach of a great number of prisoners subject to probation. Excluded from the list would be those prisoners in high risk categories such as, murderers, rapists, child molesters, and perpetrators crimes of violence where weapons were used. Rethinking the probation strategy for low- or no-risk probationers would create budget savings that would allow, for example, probation officers more time to focus on high-risk cases.

Moreover, individuals in the low- or no-risk category, if they serve their time, abide by the terms of their probation, and get reinstated to full citizenship, can become assets to their community. This expungement

strategy does not coddle felons; it provides them an opportunity to right their lives.

The expungement process should begin when they enter prison. The corrections system will educate them about the opportunity to clear their names through expungement. The message should be crystal clear; that is, though they are incarcerated, society has not given them up for lost. Consequently, as part of the educational program, prisoners learn that after successfully serving time and completing probation, expungement is available for a fresh start. Further, they understand that by not associating with known active criminals, and by building a life consistent with maintaining the peace and dignity of the community, they would have earned the privilege of filing for expungement in District Court.

If expungement is approved in the District Court, the probationer no longer has the cloud of conviction as an obstacle to opportunity and success. The probationers may attend college and accept a position in any agency or company without fear of reprisals due to their previous criminal lifestyle.

With full reinstatement, the message is clear to prisoners that society is prepared to forgive. Moreover, the criminal gangs who recruit their membership from those prisoners and probationers and who believe society has marked them for failure are disempowered and will no longer have a reservoir of candidates ready to join. Because prisoners and probationers know that there are no successful criminals, the sure way to avoid prison and to ensure that it is in their best interest is not to return to prison, is to focus on the opportunity to achieve full reinstatement.

No one reports that prison is the place to be. In fact, there is an entire legal industry centered on keeping people out of prison. But, there

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is no strategy to encourage a commitment to mainstreaming prisoners. The ability to earn full reinstatement provides an opportunity that can directly impact society.

According to the U. S. Bureau the Census (1995), the majority of the prison inmate population comprises Hispanic/Latino(a) and African-American (47%) men, indicating that in the minority communities, an entire generation is being lost to the prison system. Therefore, a big advantage of full reinstatement into society is that it reunites the families within these communities. The reunion of families strengthens and empowers the minority communities in preventing altogether large numbers of its adolescents and young adults members from entering the prison system. For ethnic communities, these expunged or restored men and women will have an opportunity to benefit from the fruit of honest work. More importantly, they serve as role models in the community. These once incarcerated men and women can advocate the reality of time lost to incarceration and they can truly say "crime is not worth time."

Although expungement is not a guarantee in District Court, persons are guaranteed the RIGHT to file. Full reinstatement does not send the wrong message, that is, crime pays. Rather, the test for expungement remains strenuous. The real message will be "Why put your rights and privileges at risk by participating in crimes."

An important consideration in re-thinking the way former prisoners are mainstreamed is the economic impact. First, if a small percentage of individuals participate in the reinstatement program, the outcome of their decision serves the government and business community. For example, if 15,000 individuals (who were burdened by a criminal history) found quality positions paying $25,000 or more in annual salary, these

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participants would generate a gross income of $375,000,000 subject to local taxes, through purchases made in their community. By contrast, the estimated cost of maintaining an average individual in prison is $60,000 per year. If those same 15,000 individuals stayed out of prisons, it would save taxpayers some $900,000,000. Therefore, the generated income of $375,000,000 from gainful employment coupled with the $900,000,000 saved from keeping them out of prisons equals $1,275,000,000-- a substantial contribution to the economy.

A nonmonetary advantage is the linking of the expungement strategy to education and support services while the person is incarcerated. A preponderance of prisoners leave behind singleparent households with children. If society is willing to take positive steps to mainstream a prisoner through the expungement process, it may restore the family. If this occurs, the process not only removes many single-parent households from welfare rolls, but delivers the other parent to the children's lives to provide both financial and emotional support. Research has shown that children who have the support of both parents have a greater opportunity for normalcy. This implies that the expungement process can bring families together.

In conclusion, the expungement process contributes positively to society. First, it contributes to the economic gains of society through employment and lower recidivism rates, thereby reducing the numbers of prisoners for taxpayers to support. Second, former inmates whose records have been expunged, family and communities structures are strengthened. Third, it is important for the rehabilitated inmate to have the privilege to file for expungement with or without an attorney. Most importantly, rethinking the notion of education in rehabilitation by educating society

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and inmates on the expungement process will successfully reform the mentality of our correctional system to its original purpose of--rehabilitation.

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